

**REMARKS**

Upon entry of this Response, claims 1-4 are pending, of which claim 1 is independent. Claim 1 is amended. Claim 5 is canceled. Subject matter of claim 5 is incorporated into claim 1. No new matter is introduced. Applicants respectfully submit that the pending claims define over the art of record.

**Rejection of Claims under 35 U.S.C. § 103**

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,378,637 to Ono et al. (hereafter “Ono”) in view of U.S. Patent Publication No. 2003/0070858 to Kondo (hereafter “Kondo”), U.S. Patent No. 6,843,336 to Chernoff et al (hereafter “Chernoff”) and U.S. Patent No. 5,460,234 to Matsuura et al (hereafter “Matsuura”).

According to the vehicle mounting structure for a fuel cell system of the claimed invention, the fuel cell can be reliably supported using the first pair of brackets and the second pair of brackets. The first pair of brackets (longitudinally arranged brackets) sandwich the fuel cell unit in the longitudinal direction of the vehicle for attaching the fuel cell unit to the first pair of the cross members. The second pair of brackets (laterally arranged brackets) sandwich the fuel cell unit in the width direction of the vehicle for attaching the fuel cell unit to the pair of floor frames. The first pair of brackets and the second pair of brackets are configured to be flange portions extending from the under cover. Accordingly, the size of the cabin can be increased by incorporating the flat floor and the length of the brackets (flange portions) can be minimized by attaching the brackets (flange portions) to the bottom surfaces of the cross members. As a result, support rigidity of the fuel cell unit and the fuel cell auxiliary unit is increased.

Applicants respectfully submit that the Matsuura reference, alone or in any reasonable combination with the Ono, Kondo and Chernoff references, does not teach or suggest that *the first pair of brackets and the second pair of brackets are configured to be a flange extending from the under cover*, as recited in Applicants’ amended claim 1.

The Examiner acknowledges that the Ono, Kondo and Chernoff references fail to teach the use of pairs of brackets connecting the fuel cell unit additionally to the cross members and the fuel cell being provided with an under covering where the first and second pairs of brackets

are flanges extending from the under covering. *See* Office Action, page 3, last ¶. However, the Examiner asserts that the Matsuura reference teaches these claim elements.

The Matsuura reference teaches a battery support frame for a three-wheeled vehicle. The battery support frame 72 includes a bottom plate 73 and hanger members 74 which extend upwardly on the outer periphery of the bottom plate 73. The hanger members 74, which are a sideways "U" shape in section, are disposed around the battery support frame 72. The brackets 75 are welded to the frame member 6<sub>1</sub> of the first rear body frame 6, and the hanger members 74 are supported by the brackets 75 through a rubber damper 76. Accordingly, the battery support frame 72 is suspended elastically in a fitted state in the interior of the frame member 6<sub>1</sub>. The structure prevents shock from the road surface from being transmitted directly to the batteries. A battery box 77 is fitted and held inside the battery support frame 72. The battery box 77 is composed of a battery box body 78 for receiving therein the batteries which serve as an energy source for the vehicle, and a battery box cover 80 which covers the upper portion of the battery box body 78 through a partition plate 79. *See* Col. 5, lines 20-41 and Figures 1 and 2.

The Matsuura reference, alone or in any reasonable combination with the Ono, Kondo and Chernoff references, does not teach or suggest that *the first pair of brackets and the second pair of brackets are configured to be a flange extending from the under cover*. In the Matsuura reference, the brackets 75 are attached to the hanger members 74 and the frame 6. The brackets 75 do not extend from the under cover 73. *See* Figure 2 of the Matsuura reference. In fact, in the Matsuura reference, the brackets 75 are not even connected to the under cover 73. Hence, the brackets 75 of the Matsuura reference cannot be configured to be a flange extending from the under cover, as required by pending claim 5.

Moreover, the Examiner asserts that the mounting brackets 75 are connected to the laterally extending cross members of the frame 6<sub>1</sub>. *See* Office Action, page 4, lines 1-2. Thus, it appears that the Examiner interprets the frame member 6<sub>1</sub> as being equivalent to a laterally extending cross member. However, the frame member of the Matsuura reference does not extend laterally. As illustrated in Figure 1 of the Matsuura reference, the frame member 6<sub>1</sub> extends at an acute angle with the longitudinal frame member 6. In the Matsuura reference, the frame member does not extend in a width direction of the vehicle to form a cross member as defined in pending claim 1. Moreover, the brackets 75 of the Matsuura reference are merely

connected to the *longitudinally* extending frame member 6. The brackets 75 of the Matsuura reference are not connected to the frame member 6<sub>1</sub>.

In addition, the mounting brackets 75 of the Matsuura reference connect the hanger members 74 that extend upwardly to the frame member 6. *See* Figure 2. In contrast, the brackets recited in pending claim 1 attaches the *fuel cell unit to the cross members*. The Matsuura reference does not disclose *a pair of brackets sandwiching the fuel cell unit in the longitudinal direction of the vehicle and attaching the fuel cell unit to the pair of cross members*. The Examiner asserts that it would have been obvious to provide both lateral and longitudinal brackets for connecting the fuel cell to the cross member elements. However, none of the cited references teach connecting *the fuel cell* to the cross member elements.

In light of the foregoing amendments and arguments, Applicants respectfully submit that the Kondo, Ono, Chernoff and Matsuura references, alone or in any reasonable combination, do not teach or suggest each and every element of Applicants' amended claim 1. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1 under 35 U.S.C. §103(a).

Claims 2-4 depend from claim 1 and add separate and patentable limitations to claim 1. As such, for this and the reasons set forth above, Applicants respectfully submit that the dependent claims also define over the art of record.

**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. SIW-103USRCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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